

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

CANDACE GERTCHER,

Plaintiff,

v.

CASE NO: 20-cv-00240
HON.: HALA Y. JARBOU

JASON THERRIAN, in his individual and official capacity,

Defendant.

CHRISTOPHER TRAINOR & ASSOCIATES CHRISTOPHER J. TRAINOR (P42449) AMY J. DEROUIN (P70514) Attorneys for Plaintiff 9750 Highland Road White Lake, MI 48386 (248) 886-8650 / (248) 698-3321-fax amy.derouin@cjtrainor.com	JOHN FEDYNSKY (P65232) RYAN WIER (P83886) Assistant Attorneys General Attorneys for Defendant Michigan Dep't of Attorney General State Operations Division P.O. Box 30754 Lansing, MI 48909 517-335-7573 / 517-335-3088-fax fedytskyj@michigan.gov wierR2@michigan.gov
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**STIPULATED ORDER TO ADJOURN FINAL PRETRIAL CONFERENCE
AND TRIAL**

**PRESENT: HONORABLE HALA Y. JARBOU
UNITED STATES DISTRICT COURT JUDGE**

THIS MATTER having come to be heard upon stipulation of the parties for an entry of an Order adjourning the Settlement Conference/Final Pretrial Conference and Trial Dates in this matter for the reason that there are two pending Motions currently before this Honorable Court, which are *Plaintiff's Amended Motion for*

Default Judgment against Defendant Therrian for Spoliation of Evidence or, in the Alternative, a Mandatory Non-Rebuttable Adverse Inference Jury Instruction [D/E 70] and Plaintiff's Motion to Compel Entry on Land to Michigan State Police Calumet Post and Michigan State Police Lansing Post #11 [D/E 71]. The decisions on both of these motions may have a direct impact on the parties' trial preparation including, but not limited to, jury instructions, as well as, may result in providing the parties with additional discovery with respect to Plaintiff's Motion to Compel Entry on Land to Michigan State Police Calumet Post and Michigan State Police Lansing Post #11 [D/E 71].

Upon STIPULATION of the Parties, by and though their respective attorneys, good cause is shown as follows:

1. That the parties previously attended a Settlement Conference on August 24, 2021.
2. That Trial Depositions of the parties experts are due no later than thirty (30) days prior to trial (which would be March 25, 2022) [D/E 14].
3. An adjournment of the Final Pretrial Conference and Trial dates by a period of 60 to 120 days, will not only allow this Honorable Court to issue decisions on the pending Motions [D/E 70; D/E 71], but it will allow the parties to focus their efforts on potentially resolving the lawsuit, rather than

incurring the expense and additional costs with trial preparation, including, but not limited to, preparing the Joint Final Pretrial Order, *de bene esse* depositions, and other related pleadings.

4. Since the onset of discovery, the Parties have actively engaged in extensive written and oral discovery which includes, but is not limited to, the following: the exchange of initial disclosures; interrogatories; request for production of documents; and responses to the same and the completion of the depositions of Plaintiff Candace Gertcher, Defendant Jason Therrian, and non-party witnesses Anders Kurtti, Joel Watson, Keith Anderson, Lt. Danison, Matt Djerf, Michael Oliver, Peter Dekryger, Russell Larson, Steven Lanctot, and Travis Dessellier.

5. Therefore, the parties have stipulated and agreed that the Final Pretrial Conference currently scheduled for April 14, 2022 and Trial currently scheduled for April 25th through April 26th shall be adjourned by a period of 60 to 120 days (along with all deadlines associated with these dates, including the date for trial depositions of the parties' experts).

IT IS SO ORDERED.

**THIS IS NOT A FINAL ORDER AND DOES NOT CLOSE THIS
CASE.**

Dated: _____

HONORABLE HALA Y. JARBOU

We Stipulate and Agree to Entry of the Above Order:

s/Amy J. DeRouin

CHRISTOPHER J. TRAINOR (P42449)

AMY J. DEROUIN (P70514)

Attorneys for Plaintiff

s/John Fedynsky w-consent 3.2.2022

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Attorneys for Defendant